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Application 10/560,249 filed on 02/27/2006
Name of applicant : Goulven VERNOIS
Title of invention : System for data collection and distribution

To : Mr Winston M. ALVARADO - Art Unit 2186

Via fax 571 273 8300

Objet : New claims

20 sheets with this

Goulven VERNOIS

Dear Sir,

A – Translation mistake in the English PCT text
In the original french text, page 1, "***Réponse de l'invention au problème posé.***", second paragraph, one can read :

L'invention introduit un aspect fondamental nouveau dans la distribution des données informatiques : la possibilité pour les producteurs de ces données, ou les labels les représentant, de charger ces données quasi automatiquement sur le moyen de stockage de masse, au prix de la location du volume de ce moyen de stockage de masse occupé par ces données chargées.

The translation has been, **page 1, line 40** :
"The invention intruduces a new fondamental aspect into the distribution of the data: the possibility for the producers of these data, or for the labels representing them quasi automatically to ***charge*** *these data on the mass memory of a slot-machine..."*

This is bad because the English translation of this French "charge", in computer language, is "load".

The correct English text becomes :
"The invention intruduces a new fondamental aspect /.../ quasi automatically to ~~charge~~ ***load*** *these data on the mass memory of a slot-machine..."*

ASK FOR AMENDMENT
So, I ask for the replacement of the word "charge" by the word "load" in this paragraph.

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B - Amended claims
This application has been deposited also in Russia, China, India and UE.
After first first action in Russia and China, I have amended the claims.
I think that these amended claims are better than the former claims.
The guiding principe of these new claims is to divide the claims into the three main and inseparable components of the invention.

(Claims listing pages 7-9)
(Correspondence between claims and description, pages 10-13)

The amended claims are became 3 independent claims and 9 dependent claims.
In this way, the heart of the invention, the means of analysis of data (former claim 3), becomes the first independent claim.
The hiring of capacity of mass memory (former claim 6) becomes the second independent claim.
The reader of data brought by producer/creator (former claim 1) becomes the third independent claim.

New claims first to 6th - Spectra and comparison of data works - Producer and creator
New first claim is former claim 3.
The goal of the invention is obviously to load new and original data works of a creator, and not to load under a new name, and/or with new authors's names, an old known data works.
This basic distinction can be only made by the comparison of the data works brought by a producer with all the other existing known data works, and distinguishing true creator from ordinary producer.
The means of analysis solves the fundamental technical problem of the Autonomous Machine which is to be legally credible with respect of copyright and intellectual property.
This is do, according to the invention, by the means of analysys doing a spectrum of a data works, and comparing spectra between them, in particular, the spectrum of data brought by a producer with the spectra included in the mass memory.
In 2004, when I have wrote my text, the technical language of the musical or lexical recognition of works was not truly fixed, and I have used the word "spectrum".
Now, the French usual term is "empreinte numérique", and the more English term is "fingerprint", the English term for this technic being "fingerprinting".
In abstract of the US patent 5,918,223, (June 29, 1999) the words "*a set of numeric values (a feature vector)*" are very close to my word "*spectrum*".

New claims 7th to 10th - Hiring of capacity of the mass memory
New claim 7th is former claim 6.
The goal of the invention can not be achieved without solve the technical problem of the legal connection between the producers/creators and the Autonomous machine.
The hiring of the part of the mass memory occupied by the data works and its attached pieces, spectra, advertisement, seems the best solution at this technical problem.
As shows in the reply to Russian Office Action (see below), the principle of the hiring of part of mass memory belong to the well known former art, and the means of the Autonomous machine are able to achieve this hiring.

New claims 11th to 12th - Reading and loading of data works brought by a creator
New claim 11th is former claim 1.
The goal of the invention is to allow the loading of new data work of creators in the mass memory of the "Autonomous machine for data collection and distribution".
I think that the verb "bring" is obvious to mean the action of a producer/creator in front of the Autonomous Machine with its data works, even if "submit" is also well.
It is certain that one finds in former art a very great number of devices having a reader allowing to load data on the memory of the device.
Up to now there was not quotation of anteriority concerning exactly a data slot-machine with mass memory, having means of analysis allowing to determine a true creator, and hiring to this true creator a capacity of the mass memory.

C - Texts added
Reply to the enquiry of the Russian examiner
Enquiry of the Russian examiner
US patent Blum and Al 5,918,223, June 1999 (firm AudibleMagic, for musical recognition)
I think that the Russian inquiry is very interesting by its approach of the invention.
Particularly the Russian examiner does not secret of his ignorance of fingerprinting, and ask for information, contrary to the OEB examiner.
So, I give here a part of my reply.

ANSWERS TO THE RUSSIAN EXAMINER
(Please, read the enquiry of the examiner, added sheets)

a) - Reader intended for the reading of the works of producers/creators - Reznikov F.N.
b) - Enquiry page 3, line 22: Significance of " musical and/or lexical fingerprint " and " hallmarks "
c) - Enquiry page 3, line 20: " each part of audio-video data... "
d) - Enquiry page 4, line 9 - Need for a comparator of numerical fingerprints to achieve the goal of the invention: " To allow this easy access of the producers to this means of diffusion... ".
e) - Enquiry page 3, line 24 - Hiring of a volume of the mass memory - Selected legal solution to the obliged relations Creator/Distributor
f) - News claims

a) - Reader intended for the reading of the works of producers/creators - Reznikov F.N.
None the anteriorities quoted in the research report describes a reader laid out on a CD or DVD slot-machine to read CD or DVD brought by a creator, and intended to be charged in the mass memory of a distributor, after the comparison between its contents and the contents of the said mass memory, and payment of the hiring of the volume of this memory which will be occupied.

The work of Reznikov F.N. is a general work who the subject is the creation and the copy of optical discs.
On no account this work describes the provision on an automatic machine of distribution of optical discs, of an optical disk reader intended to read a work brought by a creator and intended to be charged on the mass memory of this distributor.

One can thus affirm that it was not quoted up to now any anteriority with the addition of a reader according to the invention.

Page 3 of the description there are 4 lines, lines 2, 3, 5, 6, to describe the loading of the mass memory by the reading of CD and DVD, and 25 lines to describe the technical characteristics of the selection of the data and the hiring of the volume of the mass memory which will be occupied.

Regardless of a reader dedicated to the reading of works brought by a creator, these characteristics, selection by comparison of numerical fingerprints, and hiring, make of this distributor a new industrial object credible and marketable.

b) - Enquiry page 3, line 22: Significance of " musical and/or lexical fingerprint " and " hallmarks "
In the context of the invention, musical fingerprint and hallmark indicate a code resulting from a complex musical analysis of a piece of music, characterizing in a single way this piece, and making it possible to classify it among other pieces of music, or to compare it with other pieces of music, and also to bring it closer to a particular composer.
In the context of the invention, lexical fingerprint indicates a code resulting from an complex analysis semantic and musical of a text, characterizing in a single way this text, and allowing

to classify it among other texts, or to compare it with other texts, and also to bring it closer to a particular writer.
It should be noted that the analysis of a text is not purely semantic but is also musical, the reading aloud, and even the quiet reading, creating a music which can be analyzed and which appears in the resulting code.
This can be checked by each one at the time of research of a personal code easy to memorize.
One can choose a code pointing out an event, a date for example, but one can also choose a succession of figures or letters having a certain music and of this fact easier to memorize, this " music " interior being specific to each one.
Studies of this type made it possible to ensure that certain texts of Molière (classical French dramatic author) had been very influenced by Corneille (other dramatic French author), or even written by this one, that in which the specialists suspected for a long time (unless, of course, that Molière voluntarily imitated the style of Corneille).

Lexical fingerprint is thus the equivalent for a text of musical fingerprint for a musical work.

During the drafting of the text, in 2004, the vocabulary of these very recent techniques was not really fixed, and the term " hallmark " was used as well as " fingerprint " in the literature of English language.
Currently, in France, the term more employed by the professionals of these techniques is **"empreinte numérique"**, that it is of audio-visual music, œuvre, or text.
Unfortunately, this term, which is very significant for French, even non-specialist, does not have true translation in English.
With this the existence of terms " deposited " is added, being written with a capital letter, like " Signature " or " Wavessence " (!) in France, or " CopySence " in the USA.
The general English term characterizing these techniques is " fingerprinting ".

In one of the oldest US patents of musical recognition, patented by AudibleMagic in 1999, **Blum and Al 5,918,223, June 29, 1999**, the term employed is " a feature vector " to summarize " a set of numeric values".

The use of "empreinte numérique" in French, or of its English equivalent " numerical fingerprint " seems to be the best solution with this problem of vocabulary.

These long codes of musical, audio-visual or lexical recognition, should not be confused with a cryptographic key, elements of identification and integrity of a message, used in the transmission of messages, in general called " public key " and " private key ", and which are produced by simple methods, for example of chopping of the data, and which do not have any relationship with the significance of the protected text.
In this cryptographic system of protection by keys, the smallest modification of the text is perceived in all or nothing.

c) - Enquiry page 3, line 20: " each part of audio-video data... "
In the description of former art, page 1 of specification, is evoked the distributors of optical discs not having stock of CD or DVD engraved, ready at the sale, but a stock of virgin discs, an engraver, and a bank of data charged on a mass memory.
Taking into account the use of these distributors, which is to distribute audio-visual works, the contents of the mass memory is necessarily at least made up of these audio-visual works intended to be engraved and sold.
In evoked former art, these œuvres can be accompanied by a presentation and a publicity.

The invention adds to each one of these works its numerical print according to claim 4, by charging this print on the mass memory using the means of writing of the preamble of this claim, so that the numerical print of a news work presented can be compared with the numerical prints contained in the mass memory, which wants to say that a news work could be compared with the works existing in the mass memory, or with the works whose only numerical fingerprint will exist in this memory, the distributor which can not have the licence of sale of all the world works.

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3 independent claims